

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Mark Thomas, Jr.,

Plaintiff

v.

Las Vegas Metropolitan Police Department, et al.,

Defendant

2:16-cv-3019-JAD-NJK

**Order Adopting Report and
Recommendation, Denying as Moot
Application to Proceed *in forma
pauperis*, and Dismissing and Closing
Case**

[ECF Nos. 4, 7]

On January 26, 2017, Magistrate Judge Nancy Koppe ordered plaintiff Mark Thomas, who is attempting to proceed *in forma pauperis*, to show cause why this case should not be dismissed under 28 U.S.C. § 1915(e)(2), which requires dismissal if the court determines at any time that “the allegation of poverty is untrue.”¹ Thomas filed no response, so the magistrate judge concludes that Thomas’s allegation of poverty is untrue because the application in this case provides financial information radically different than what he provided in another case only a few months ago and is also internally inconsistent. She recommends dismissal with prejudice. “[N]o review is required of a magistrate judge’s report and recommendation unless objections are filed.”² Objections to the magistrate judge’s report and recommendation were due by February 27, 2017, and no objections have been filed.³ Accordingly,

IT IS HEREBY ORDERED that the magistrate judge’s report and recommendation [ECF No. 7] is **ADOPTED**, plaintiff’s application to proceed *in forma pauperis* [ECF No. 4] is

¹ ECF No. 5.

² *Schmidt v. Johnstone*, 263 F. Supp. 2d 1219, 1226 (D. Ariz. 2003); *see also Thomas v. Arn*, 474 U.S. 140, 150 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003).

³ Thomas’s mail has also twice been returned as undeliverable, which constitutes separate grounds for dismissal with prejudice. *See* Local Special Rule 2-2.

1 **DENIED as moot, and this case is DISMISSED with prejudice.**

2 IT IS FURTHER ORDERED that the Clerk of Court is directed to ENTER JUDGMENT
3 accordingly and CLOSE THIS CASE.

4 Dated this 8th day of March, 2017.

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7 Jennifer A. Dorsey
8 United States District Judge
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